

**Kansas**  
**Silver Haired Legislature**  
**Journal**  
**27<sup>th</sup>**  
**Annual Session**

SEPTEMBER 29, 30 OCTOBER 1 – 2009  
TOPEKA, KANSAS



*The Mission of the Kansas Silver Haired Legislature is to:*

- 1. Educate the citizenry about the needs of the elderly and of the legislative process.*
- 2. Communicate and serve as liaison for our constituents and legislators.*
- 3. Participate and be involved as an advocate for senior citizen issues.*

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**LEADERSHIP**

**2009 - 2010 SILVER HAired LEGISLATURE**

**SPEAKER**

**Jim Snyder** **Topeka, Kansas**

**SPEAKER PRO TEM**

**Mary Ann Flunder** **Kansas City, Kansas**

**FLOOR LEADER**

**Carlton McNair** **Overland Park, Kansas**

**2009 - 2010 EXECUTIVE BOARD OFFICERS**

<b>President</b>	<b>Irv Hoffmann</b> <b>Lenexa, Kansas</b>
<b>Vice President</b>	<b>Dorothy Zook</b> <b>Hesston, Kansas</b>
<b>Treasurer</b>	<b>Bill Dean</b> <b>Overland Park, Kansas</b>
<b>Secretary</b>	<b>Sue Peckham</b> <b>Frankfort, Kansas</b>

**SHL COMMITTEE CHAIRPERSONS**

<b>Public Health</b>	<b>Co-Chair – Ottis Allen</b> <b>Co- Chair – Sue Peckham</b> <b>Co-Chair – Jerry Popejoy</b>
<b>Ways &amp; Means</b>	<b>Chair – Dorothy Zook</b> <b>Vice Chair – Bill Dean</b>
<b>Federal &amp; State</b>	<b>Chair – Ginny Graham</b> <b>Vice Chair – Roy White</b>

## **JOURNAL OF THE SILVER HAired LEGISLATURE**

**FIRST DAY  
SEPTEMBER 30, 2009**

### **CALL TO ORDER**

**The 2009 Session of the Silver Haired Legislature met in the Ramada Inn, Topeka, Kansas, with Speaker Jim Snyder in the Chair. Speaker Snyder called the session to order and welcomed the Silver Haired.**

**The Army National Guard presented the colors. Speaker Snyder led the Legislature in the Pledge of Allegiance.**

**The Speaker thanked the Color Guard for their excellent presentation and then introduced KDOA Liaison, Marva Williams for the Invocation.**

**“Let us Pray. Heavenly Father, we thank you for this day and all of its blessings. We thank you for bringing us all together safely today to do the work of the Kansas Silver Haired Legislature in identifying concerns of Kansas seniors. We pray that you will provide each legislator with wisdom while they are making decisions on the bills and resolutions that they will be hearing. We ask that you guide and direct the Silver Haired Legislators, its leaders, and their actions. May we all be challenged to give our best always, and may we be assured of your presence with us. In Jesus name, Amen.”**

**Speaker Snyder introduced Secretary of State Ron Thornburgh who thanked the Silver Haired Legislators for their work in bringing Senior concerns to the attention of all Kansans as well as the Kansas Legislature. presided over the oath of office for all members present.**

**Speaker Snyder introduced Barbara Conant representing the Kansas Department on Aging. Ms Conant welcomed the delegates and complimented them on their work for Kansas Seniors. Her remarks were distributed to those in attendance.**

**.Speaker Snyder introduced the Clerks for the Session—Jodi Abington and Marsha Ridinger—and the KDOA Liaison, Marva Williams.**

**Other officers introduced were Speaker Pro Tem Mary Ann Flunder and Floor Leader Carlton McNair. Also introduced was the SHL Board President, Irv Hoffmann.**

## **JOURNAL OF THE SILVER HAired LEGISLATURE**

**Roll Call was taken with 84 members present and Addis, Beamgard, Blenden, Brinkman, Brown, Cardinal, Caro, Cloyd, Cruth, Devine, Durst, Fox, Gilliland, Goyle, Heckenlively, Heinen, Henderson, Keohane, Koralek, Martin, Moore, Oppliger, Philpott, Pyle, Reed, Riggs, Scott-Neufeld, Smith, Ruby, Sorenson, Spero, and Tarrant, absent.**

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**Speaker Snyder opened discussion on moving the House adopt the rules of the House as printed on pages 6 through 11 of the 26<sup>th</sup> Annual Session Handbook of the Kansas Silver Haired Legislature.” The motion was seconded and passed.**

**The first reading of the bills was given. Speaker Snyder announced the Representatives would go into committees for the purpose of hearing testimony and discussing the Bills and Resolutions.**

**Floor Leader McNair moved the House adjourn until 1:00 p.m. September 30. 2009. Motion carried on a voice vote.**

### **WEDNESDAY SEPTEMBER 30, 1 P.M.**

**Roll Call was taken with 84 members present and Addis, Beamgard, Blenden, Brinkman, Brown, Cardinal, Caro, Cloyd, Cruth, Devine, Durst, Fox, Gilliland, Goyle, Heckenlively, Heinen, Henderson, Keohane, Koralek, Martin, Moore, Oppliger, Philpott, Pyle, Reed, Riggs, Scott-Neufeld, Smith, Ruby, Sorenson, Spero, and Tarrant, absent.**

**Speaker Snyder recognized Floor Leader McNair who moved that the House resolve itself into the Committee of the Whole for the purpose of considering those matters under the heading of General Orders. Motion Carried.**

**Speaker Snyder appointed District 4 Vice Chair Jim Miller to preside over the Committee of the Whole.**

## **JOURNAL OF THE SILVERHAIRD LEGISLATURE**

**The Clerk read the report of the Standing Committees.**

### **REPORT OF THE STANDING COMMITTEES:**

**General Orders Chair recognized Representatives for the purpose of consideration of committee reports which was accomplished.**

**Representative Miller recognized Speaker Snyder who resumed the Chair.**

**Floor Leader McNair moved to rise and report.**

**The Clerk read the bills and resolutions passed. SHL Bill 2601, SHL Bill 2605 and SHL Resolution 2602 and SHL Resolution 2604 be passed. SHL Bill 2603, SHL Resolutions 2606 and 2607 be passed as amended.**

**Floor Leader McNair moved the adoption of the Committee report, Passed.**

**Speaker Snyder provided for announcements.**

**Floor Leader McNair: Mister Speaker, I move the House adjourn until Thursday, October 1, at 8:00 a.m. Motion passed.**

## JOURNAL OF THE SILVER HAired LEGISLATURE

SECOND DAY  
SEPTEMBER 30, 2009

The Silver Haired legislature met pursuant to the adjournment with Speaker Snyder in the chair. Speaker Snyder called the session to order.

The invocation was given by KDOA Liaison Marva Williams.

"Let us pray. Heavenly Father, we are thankful for this day that you have given us; for its blessings as well as its opportunities. As we gather here today, we pray that members of the Kansas Silver Haired Legislature will be ever mindful of opportunities to render service to seniors in Kansas as they vote on the bills and resolutions that have been presented to them. Please guide them in their decision making, and bless those who are touched by their works. When the session is completed, we pray that you will provide traveling mercies to get everyone safely to their destinations,. In Jesus name, Amen."

The Pledge of Allegiance was led by Speaker Snyder.

Roll Call was taken with 81 members present and Addis, Beamgard, Blenden, Brinkman, Brown, Cardinal, Caro, Cloyd, Cruth, Devine, Durst, Fox, Gilliland, Goyle, Heckenlively, Heinen, Henderson, Hummel, Keohane, Koralek, Martin, Moore, Oliver, Oppliger, Philpott, Pyle, Reed, Rezac, Riggs, Scott-Neufeld, Smith, Ruby, Sorenson, Spero, and Tarrant, absent.

Speaker Snyder gave appreciation to the Clerks, Jodi Abington, Marsha Ridinger and Marva Williams for their work and support.

Speaker Snyder gave the opportunity for announcements to be made.  
Speaker Snyder explained the process for final action.

### FINAL READING AND FINAL ACTION ON BILLS AND RESOLUTIONS

*SHL Bill 2601: AN ACT concerning the grandparents as caregivers act: relating to eligibility requirements: amending K.S.A. 2009 Supp.388-145 and repealing the existing section.*

On SHL Bill 2601, on roll call the vote was Yes 81, No 0.

**YES:** Allen, Armstrong, Balderston, Barta, Bell, Bernauer, Bogart, Burkhead, Butler, Clarkson, Coles, Dean, Deppish, Duggan, Dunn, Duttweiler, Fast, Feist, Flunder, Folkers, Gillespie, Ginest, Goldsby, Gordon, Goucher, Graham, Grantham, Haag, Hawkins, Hoeme, Hoffmann, Hopper, Hubbard, Hutchinson, Louis Johnson, Mabel Johnson, Johnston, Darrell Jones, Robert Jones, Kelly, Leonhard, Lindeman, Lorson, Lovelady, Luebbers, Mayhill, McNair, Menard, Miller, Mugler, Murphy, Pabian, Paulson, Peckham, Popejoy, Proctor, Rector, Redding, Redick, Reimer, Roth, Rundle, Scrimsher, Seymore, Sheverbush, Simmons, Skidmore, Berniece Smith, Snyder, Studdard, Thomas, Turner, Vestal, Wagner, Warren, Waugh, Welton, White, Williams, and Zook.

**JOURNAL OF THE SILVER HAIRED LEGISLATURE**

***SHL Resolution 2602 – A Resolution urging the legislature of the State of Kansas to provide an affordable and accessible transportation system for senior citizens.***

**On SHL Resolution as amended, on roll call the vote was Yes 81, No 0.**

**YES: Allen, Armstrong, Balderston, Barta, Bell, Bernauer, Bogart, Burkhead, Butler, Clarkson, Coles, Dean, Deppish, Duggan, Dunn, Duttweiler, Fast, Feist, Flunder, Folkers, Gillespie, Ginest, Goldsby, Gordon, Goucher, Graham, Grantham, Haag, Hawkins, Hoeme, Hoffmann, Hopper, Hubbard, Hutchinson, Louis Johnson, Mabel Johnson, Johnston, Darrell Jones, Robert Jones, Kelly, Leonhard, Lindeman, Lorson, Lovelady, Luebbers, Mayhill, McNair, Menard, Miller, Mugler, Murphy, Pabian, Paulson, Peckham, Popejoy, Proctor, Rector, Redding, Redick, Reimer, Roth, Rundle, Scrimsher, Seymore, Sheverbush, Simmons, Skidmore, Berniece Smith, Snyder, Studdard, Thomas, Turner, Vestal, Wagner, Warren, Waugh, Welton, White, Williams, and Zook.**

***SHL Bill 2603 as Amended:: An Act concerning the state long-term care ombudsman; establishing the position of qualified veteran's ombudsman; amending K.S.A. 2009 Supp. 75-7301 and repealing the existing section.***

**On SHL Bill 2603-- on roll call the vote was Yes 81, No 0.**

**YES: Allen, Armstrong, Balderston, Barta, Bell, Bernauer, Bogart, Burkhead, Butler, Clarkson, Coles, Dean, Deppish, Duggan, Dunn, Duttweiler, Fast, Feist, Flunder, Folkers, Gillespie, Ginest, Goldsby, Gordon, Goucher, Graham, Grantham, Haag, Hawkins, Hoeme, Hoffmann, Hopper, Hubbard, Hutchinson, Louis Johnson, Mabel Johnson, Johnston, Darrell Jones, Robert Jones, Kelly, Leonhard, Lindeman, Lorson, Lovelady, Luebbers, Mayhill, McNair, Menard, Miller, Mugler, Murphy, Pabian, Paulson, Peckham, Popejoy, Proctor, Rector, Redding, Redick, Reimer, Roth, Rundle, Scrimsher, Seymore, Sheverbush, Simmons, Skidmore, Berniece Smith, Snyder, Studdard, Thomas, Turner, Vestal, Wagner, Warren, Waugh, Welton, White, Williams, and Zook.**

## JOURNAL OF THE SILVER HAired LEGISLATURE

*SHL Resolution 2604 as Amended: A Resolution urging the Kansas Legislature to enact legislation similar to 2008 SB 217 or 2008 HB 2244 during the 2010 regular session to help combat predatory payday lending practices and to enact similar legislation to regulate or prohibit income tax refund advance lending practices that adversely affect elderly and other residents of Kansas.*

On SHL Resolution 2604—on roll call the vote was Yes 81. No 0.

**YES:** Allen, Armstrong, Balderston, Barta, Bell, Bernauer, Bogart, Burkhead, Butler, Clarkson, Coles, Dean, Deppish, Duggan, Dunn, Duttweiler, Fast, Feist, Flunder, Folkers, Gillespie, Ginest, Goldsby, Gordon, Goucher, Graham, Grantham, Haag, Hawkins, Hoeme, Hoffmann, Hopper, Hubbard, Hutchinson, Louis Johnson, Mabel Johnson, Johnston, Darrell Jones, Robert Jones, Kelly, Leonhard, Lindeman, Lorson, Lovelady, Luebbers, Mayhill, McNair, Menard, Miller, Mugler, Murphy, Pabian, Paulson, Peckham, Popejoy, Proctor, Rector, Redding, Redick, Reimer, Roth, Rundle, Scrimsher, Seymore, Sheverbush, Simmons, Skidmore, Berniece Smith, Snyder, Studdard, Thomas, Turner, Vestal, Wagner, Warren, Waugh, Welton, White, Williams, and Zook.

*SHL Bill 2605 as Amended: An Act relating to insurance; concerning the mandatory reinstatement of certain insurance policies in case of mental incapacity of an insured.*

On SHL Bill 2605—on roll call the vote was Yes 81, No 0

**YES:** Allen, Armstrong, Balderston, Barta, Bell, Bernauer, Bogart, Burkhead, Butler, Clarkson, Coles, Dean, Deppish, Duggan, Dunn, Duttweiler, Fast, Feist, Flunder, Folkers, Gillespie, Ginest, Goldsby, Gordon, Goucher, Graham, Grantham, Haag, Hawkins, Hoeme, Hoffmann, Hopper, Hubbard, Hutchinson, Louis Johnson, Mabel Johnson, Johnston, Darrell Jones, Robert Jones, Kelly, Leonhard, Lindeman, Lorson, Lovelady, Luebbers, Mayhill, McNair, Menard, Miller, Mugler, Murphy, Pabian, Paulson, Peckham, Popejoy, Proctor, Rector, Redding, Redick, Reimer, Roth, Rundle, Scrimsher, Seymore, Sheverbush, Simmons, Skidmore, Berniece Smith, Snyder, Studdard, Thomas, Turner, Vestal, Wagner, Warren, Waugh, Welton, White, Williams, and Zook.

## JOURNAL OF THE SILVER HAired LEGISLATURE

*SHL Resolution 2606: A Resolution commending the legislature of the State of Kansas for providing continued retirement benefits through a defined benefit plan under the Kansas Public Employees Retirement System (KPERS) and continuing the funding of KPERS toward an actuarially recommended amount.*

On SHL Resolution 2606—on roll call the vote was Yes 81, No 0

**YES:** Allen, Armstrong, Balderston, Barta, Bell, Bernauer, Bogart, Burkhead, Butler, Clarkson, Coles, Dean, Deppish, Duggan, Dunn, Duttweiler, Fast, Feist, Flunder, Folkers, Gillespie, Ginest, Goldsby, Gordon, Goucher, Graham, Grantham, Haag, Hawkins, Hoeme, Hoffmann, Hopper, Hubbard, Hutchinson, Louis Johnson, Mabel Johnson, Johnston, Darrell Jones, Robert Jones, Kelly, Leonhard, Lindeman, Lorson, Lovelady, Luebbers, Mayhill, McNair, Menard, Miller, Mugler, Murphy, Pabian, Paulson, Peckham, Popejoy, Proctor, Rector, Redding, Redick, Reimer, Roth, Rundle, Scrimsher, Seymore, Sheverbush, Simmons, Skidmore, Berniece Smith, Snyder, Studdard, Thomas, Turner, Vestal, Wagner, Warren, Waugh, Welton, White, Williams, and Zook

*SHL Resolution 2607: A Resolution concerning the Grandparents as Caregivers Program.*

On SHL Resolution 2607—on roll call the vote was Yes 79, No 2.

**YES:** Allen, Armstrong, Balderston, Barta, Bell, Bernauer, Bogart, Burkhead, Butler, Clarkson, Coles, Dean, Deppish, Duggan, Dunn, Duttweiler, Fast, Feist, Flunder, Folkers, Gillespie, Ginest, Goldsby, Gordon, Goucher, Graham, Grantham, Haag, Hawkins, Hoeme, Hoffmann, Hopper, Hubbard, Hutchinson, Louis Johnson, Mabel Johnson, Johnston, Darrell Jones, Robert Jones, Kelly, Leonhard, Lindeman, Lorson, Lovelady, Luebbers, Mayhill, McNair, Menard, Miller, Mugler, Murphy, Pabian, Paulson, Peckham, Popejoy, Proctor, Rector, Redding, Redick, Reimer, Roth, Rundle, Scrimsher, Seymore, Simmons, Berniece Smith, Snyder, Studdard, Thomas, Turner, Vestal, Wagner, Warren, Waugh, Welton, White, Williams, and Zook

**NO:** Sheverbush, Skidmore.

Speaker Snyder announced the passage of SHL Bills 2601, SHL Bill 2603 (as amended) and SHL Bill 2605 (as amended), and SHL Resolution 2602, SHL Resolution 2604 (as amended), SHL Resolution 2606 and SHL Resolution 2607.

## **JOURNAL OF THE SILVER HAIRD LEGISLATURE**

**Speaker Snyder brought attention to the Delegates regarding the 6 carryover legislative concerns. It was moved and seconded to continue to support these topics. Motion carried unanimously.**

**Speaker Snyder thanked the Delegates present for their work and attention to business.**

**Speaker Snyder announced the 2009 Session will be October 5 - 7, 2019 in Topeka.**

**Floor Leader McNair moved to adjourn the Silver Haired Legislature until the 2010 Session. Motion Carried.**

**The 2009 Silver Haired Legislature adjourned October 1, 2009 at 9:45 a.m.**

**SILVER HAired LEGISLATURE BILL NO. 2601**

AN ACT concerning the grandparents as caregivers act; relating to eligibility requirements; amending K.S.A. 2009 Supp. 38-145 and repealing the existing section.

*Be it enacted by the Silver Haired Legislature of the State of Kansas:*

1. Section K.S.A. 2009 Supp. 38-145 is hereby amended to read as follows: 38-145. (a) If a person meets the financial eligibility requirements developed by the secretary, a grandparent shall be eligible to participate in the program if such grandparent:

(1) Is 50 years of age or older;

(2) has the grandchild ~~placed in~~ reside with such ~~grandparent's custody by the state, is the legal guardian of the grandchild or has other legal custody of the grandchild~~ grandparent; and

(3) has an annual household income of less than 130% of the federal poverty level.

(b) A grandparent shall not be eligible to participate in the program if the parent or parents of the child reside with such grandparent.

(c) The secretary annually shall review the eligibility of grandparents participating in the program. Grandparents shall be required to meet eligibility requirements each year to continue in the program.

2. Sec. K.S.A. 2009 Supp. 38-145 is hereby repealed.

3. Sec. This act shall take effect and be in force from and after its publication in the statute book.

**SILVER HAired LEGISLATURE RESOLUTION NO. 2602**

A RESOLUTION urging the legislature of the State of Kansas to provide an affordable and accessible transportation system for senior citizens.

WHEREAS, Access to transportation is of great importance to senior citizens in order to remain connected, healthy, active, and involved in their communities; and

WHEREAS, A comprehensive and coordinated transportation system for seniors can be an effective and cost-efficient way to improve the quality of life of the senior citizens of Kansas; and

WHEREAS, Many senior citizens who lack access to quality transportation may be unable to access the goods, services and resources necessary to maintain a healthy and quality lifestyle; and

WHEREAS, Senior citizens face a variety of unique and difficult challenges to accessing transportation in urban, suburban, and rural settings; and

WHEREAS, Age, and the accompanying changes to vision and mobility can hinder many senior citizens from reasonably accessing existing modes of transportation; and

WHEREAS, The cost of transportation can be prohibitively expensive for many senior citizens and retirees living on fixed budgets; and

WHEREAS, Senior citizens are a rapidly growing demographic: By the year 2030 it is projected that senior citizens will comprise 20% of the population of the United States, and by the year 2050 the number of senior citizens will more than double; and

WHEREAS, Recent reports show that among seniors aged 65 and above, 95% of men and over 80% of women are licensed to drive; and

WHEREAS, Many senior citizens are increasingly dependent on the car as their only means of transportation, and providing alternative means or mass transportation would greatly relieve the congestion, environmental stress and pollution caused by these senior drivers; and

WHEREAS, Medical advancements have significantly lengthened the life expectancy of Kansas citizens, and it is up to the state to ensure that there are enough services and safeguards to help these people maintain a quality and healthy lifestyle; and

WHEREAS, There is a longstanding tradition of providing services and community projects to enrich the lives of senior citizens in the United States, dating back to the Federal Older Americans Act of 1965. President Lyndon Johnson first signed this bill, which created the Administration on Aging and provided grants to states for programs dedicated to the health and well-being of senior citizens; and

WHEREAS, Quality transportation services are fundamental to supporting the Federal Administration on Aging's vision of independent, healthy, and engaged lives for seniors; and

WHEREAS, In 2006 the Federal Older Americans Act was amended to encourage and provide guidelines for improving senior citizen transportation systems by providing funding for nonprofit organizations seeking to provide such services to their communities. The act encourages innovation and economic sustainability in finding new ways to provide transportation for senior citizens; and

WHEREAS, Other states have successfully implemented senior citizen transportation programs, such as the Older Adults Transportation Services program, or OATS, in Missouri.

This program began in 1970 with three buses and only four employees, but expanded dramatically to provide transportation to Missouri senior citizens in over 80 counties. Today, OATS serves nearly 30,000 people, has a fleet of 625 vehicles and a staff of 600 employees and volunteers, and provided almost 1.5 million one-way trips last year. Other states have implemented similar programs that have also enjoyed great success; and

WHEREAS, A reputable survey on the topic of mobility and transportation was conducted among seniors aged 65 and above, with the results showing that 98% agree that maintaining a sense of independence and mobility is extremely important. Another 82% agree that they worry about being stranded when they are unable to drive, and this statistic increased significantly in areas where no public transportation was available. 83% agree that public transportation provides them with the mobility and freedom to do what they most want to do. 80% of seniors polled further stated that they would consider using public transportation regularly if it was convenient and accessible: Now, therefore,

*Be it resolved by the Silver Haired Legislature of the State of Kansas:* That we urge the legislature of the State of Kansas to provide an affordable and convenient method of transportation, as supported by the Federal Older Americans Act and as adopted successfully in many other states, to the senior citizens residing in rural areas and all over the great State of Kansas.

**SILVER HAIRD LEGISLATURE BILL NO. 2603**

1 AN ACT concerning the state long-term care ombudsman; establishing the position of veterans’  
2 ombudsman; amending K.S.A. 2009 Supp. 75-7301 and repealing the existing section.

3  
4 *Be it enacted by the Silver Haired Legislature of the State of Kansas:*

5 4. New Section (a) There is hereby established within the office of the state long-term care  
6 ombudsman the position of veterans’ ombudsman. The veterans’ ombudsman shall perform  
7 services under the long-term care ombudsman act for residents of the Kansas soldiers’ home and  
8 such other functions as shall be prescribed by the state long-term care ombudsman.

9 (b) The veterans’ ombudsman may adopt any rules and regulations necessary to  
10 implement the provisions of this act.

11 (c) The provisions of this section are a part of and supplemental to the long-term care  
12 ombudsman act.

13 5. Sec. K.S.A. 2009 Supp. 75-7301 is hereby amended to read as follows: 75-7301. (a)  
14 The office of the state long-term care ombudsman is hereby attached to the department of  
15 administration. The office of the state long-term care ombudsman shall be in Topeka, Kansas.  
16 The secretary of administration shall provide such technical assistance and advice as the  
17 secretary deems reasonable and necessary to assist the state long-term care ombudsman office to  
18 function as an independent state agency. The secretary of administration and the department of  
19 administration shall have no authority over the state long-term care ombudsman, any regional  
20 long-term care ombudsman, any other ombudsman, including any volunteer ombudsman, or any  
21 other officer, employee or volunteer of the office of the state long-term care ombudsman with  
22 respect to the performance of any power, duty or function of the office or the exercise of any

1 other authority of the office or the state long-term care ombudsman.

(b) For the fiscal year ending June 30, 2000, and for each fiscal year thereafter, the secretary of administration shall include the budget estimate of the office of the state long-term care ombudsman, as prepared and approved by the state long-term care ombudsman, along with the budget estimate prepared and submitted to the division of the budget for the department of administration under K.S.A. 75-3717 and amendments thereto. The budget estimate of the office of the state long-term care ombudsman for each such fiscal year shall be prepared at the direction and under the supervision of the state long-term care ombudsman. Expenditures from appropriations to the department of administration for the office of the state long-term care ombudsman, made pursuant to budget estimates for the office, shall be made on vouchers approved by the state long-term care ombudsman or the state long-term care ombudsman's designee. All vouchers for expenditures and all payrolls of the office of the state long-term care ombudsman shall be approved by the state long-term care ombudsman or the state long-term care ombudsman's designee.

(c) For the fiscal year ending June 30, 2010, and for each fiscal year thereafter, the budget estimate of the state long-term care ombudsman shall include funding for the activities of the veterans' ombudsman, including operating expenditures for the veterans' ombudsman stationed at the Kansas soldiers' home and a sufficient number of employees to provide services on a statewide basis under the provisions of the long-term care ombudsman act for all veteran residents of facilities in Kansas and to investigate all complaints involving veteran residents of facilities in Kansas pursuant to the long-term care ombudsman act.

6. Sec. K.S.A. 2009 Supp. 75-7301 is hereby repealed.

7. Sec. This act shall take effect and be in force from and after its publication in the statute book.

**SILVER HAired LEGISLATURE RESOLUTION NO. 2604**

2 A RESOLUTION urging the Kansas Legislature to enact legislation similar to 2008 SB 217 or  
3 2008 HB 2244 during the 2010 regular session to help combat predatory payday lending  
4 practices and to enact similar legislation to regulate or prohibit income tax refund advance  
5 lending practices that adversely affect elderly and other residents of Kansas.

6  
7 WHEREAS, Payday lending, or cash advance, is the practice of using a post-dated check  
8 or electronic checking account information as collateral for a short-term loan; to qualify,  
9 borrowers need only personal identification, a checking account, and an income from a job or  
10 government benefits, like Social Security or disability payments; and

11 WHEREAS, Payday loans carry a very low risk of loss, but lenders typically charge fees  
12 equal to a 400% annual percentage rate (APR) and higher, causing borrowers to pay more in  
13 interest than the amount of the loan they originally borrowed; and

14 WHEREAS, Seventy-five percent of payday loan customers are unable to repay their loan  
15 within two weeks and are forced to get a loan “rollover” at additional cost; and

16 WHEREAS, Payday lenders earn most of their profits by making multiple loans to cash  
17 strapped borrowers and 90% of the payday loan industry's revenue growth comes from making  
18 more and larger loans to the same customers; and

19 WHEREAS, Predatory lending is the practice of a lender deceptively convincing  
20 borrowers to agree to unfair and abusive loan terms, or systematically violating those terms in  
21 ways that make it difficult for the borrower to defend against; and

WHEREAS, Predatory lending often occurs on loans backed by some kind of collateral, such as a car or house, so that if the borrower defaults on the loan, the lender can repossess or foreclose and profit by selling the repossessed or foreclosed property; and

WHEREAS, Predatory lending cost Kansans \$30 million in excessive fees in 2005; and

WHEREAS, Over 25 states have passed anti-predatory lending laws defining one or more classes of "high-cost" or "covered" by the fees charged to the borrower at origination or the APR. To control these practices, states have placed a number of additional restrictions on these loans, and implemented large penalties for noncompliance; and

WHEREAS, Income Tax Refund Anticipation (ITRA) loans are short term cash advances against the customer's anticipated income tax refund; and

WHEREAS, ITRA loans are offered at high interest rates, generally from about 40% to over 700% APR; and in 2004, U.S. consumers paid almost \$1.24 billion in loan fees and another \$360 million in administrative, electronic filing and application fees; and

WHEREAS, ITRA loans speed up the refund process by as little as one week compared to filing online and having the refund directly deposited into the customer's account at a financial institution; and

WHEREAS, ITRA loan recipients are overwhelmingly lower income taxpayers who can least afford to pay: Now, therefore,

*Be it resolved by the Silver Haired Legislature of the State of Kansas:* That the Kansas Legislature is hereby urged to enact legislation similar to 2008 SB 217 or 2008 HB 2244 during the 2010 regular session, to help combat predatory payday lending practices and to enact legislation to regulate or prohibit income tax refund advance lending practices that adversely affect elderly and other residents of Kansas.

**SILVER HAIRED LEGISLATURE BILL NO. 2605**

AN ACT relating to insurance; concerning the mandatory reinstatement of certain insurance policies in case of mental incapacity of an insured.

*Be it enacted by the Silver Haired Legislature of the State of Kansas:*

8. Section (a) The provisions of sections 1 through 8, and amendments thereto, shall apply to all individual insurance policies issued to residents of this state that are subject to lapsing on and after the effective date of this act, issued by an insurer authorized to do business in this state.

(b) The provisions of sections 1 through 8, and amendments thereto, shall not apply to any: (1) Life insurance policy that provides nonforfeiture benefits, which would maintain the contract for one year; (2) long-term care insurance policy as defined by K.S.A. 40-2227, and amendments thereto; or (3) motor vehicle insurance policy.

(c) As used in sections 1 through 8, and amendments thereto, “policy” means an individual insurance policy authorized under chapter 40 of the Kansas Statutes Annotated.

9. Sec. (a) A policy shall be entitled to reinstatement under this act if:

(1) Such policy has been in effect continuously for at least five years immediately preceding the lapse;

(2) such policy has been without default in the payment of premiums during such period;

(3) there is a subsequent unintentional default in premium payments caused by mental incapacity of the insured; and

(4) such policy shall include a third-party notification clause.

(b) A policy shall be reinstated within one year from the date of lapse if such policy

meets the requirements of subsection (a), on payment of arrears of premiums with interest. The rate of interest may not exceed 6% per annum.

10. Sec. (a) For purposes of this act, “mental incapacity” means lacking the ability, based on reasonable medical judgment, to understand and appreciate the nature and consequences of a decision regarding failure to pay a premium when due and the ability to reach an informed decision in the matter.

(b) Mental incapacity must be established by the clinical diagnosis of a physician licensed and qualified to make the diagnosis.

11. Sec. (a) A request for reinstatement of coverage under this act and proof of mental incapacity may be filed with the insurer by:

- (1) The insured;
- (2) the legal guardian of the insured;
- (3) other legal representative of the insured; or
- (4) the legal representative of the estate of the insured.

(b) Proof of mental incapacity and an accompanying request for the reinstatement must be made not later than the first anniversary date after the lapse of a policy eligible for reinstatement.

12. Sec. (a) After the requirements of section 4, and amendments thereto, have been satisfied, an insurer subject to this act shall reinstate, without evidence of insurability, coverage that has lapsed under the circumstances described by section 2, and amendments thereto.

(b) An insurer may require, as a condition of reinstatement, payment of premiums plus interest owed for the period from the date of initial lapse to the date of reinstatement.

(c) On reinstatement of the coverage, the initial contractual provisions apply as if coverage had been continuous and without interruption.

13. Sec. An insurer shall pay the amount of benefits owed under a policy that is eligible for reinstatement under this act, reduced by the amount of premiums and interest owed and unpaid on the date of which the benefits are paid, if there is an uncontroverted claim for benefits that exceed the amount of premiums and interest owed.

14. Sec. An insurer is not required to reinstate coverage or pay benefits under this act if the insured first became mentally incapacitated after the expiration of an applicable grace period contained in the policy.

15. Sec. (a) Each insurer shall disclose fully to each of its policyholders, contract holders or covered persons the requirements of this act.

(b) The disclosure shall be forwarded to applicable policyholders, contract holders or covered persons either:

(1) Within 90 days following a lapse of a policy regulated by this act; or

(2) within 90 days after the effective date of this act to each existing policyholder whose policy is regulated by this act. Disclosure thereafter on policies issued after the effective date of this act may be made by including the disclosure information in the policy or in an endorsement attached to the policy.

(c) Notice will be deemed to be in compliance with this act if mailed by first-class mail to the last known address of the policyholder or if contained in the policy form or as an endorsement thereto.

(d) The commissioner of insurance may adopt reasonable rules and regulations to implement the provisions of this act. Such disclosure shall be made in the form and manner prescribed by the commissioner of insurance.

16. Sec. This act shall take effect and be in force from and after its publication in the statute book.

**SILVER HAired RESOLUTION NO. 2606**

A RESOLUTION commending the legislature of the State of Kansas for providing continued retirement benefits through a defined benefit plan under the Kansas Public Employees Retirement System (KPERS) and continue the funding of KPERS toward an actuarially recommended amount.

WHEREAS, The number of retired members of the Kansas Public Employees Retirement System (KPERS) increased to approximately 72,000 in fiscal year 2008; and

WHEREAS, The most recent actuarial valuation, dated December 31, 2007, found that the long-term funded status of KPERS has decreased and proper funding is considered not to be in actuarial balance; and

WHEREAS, The Kansas Legislature has continued to increase the percentage of contribution provided; and

WHEREAS, The issue of post-retirement benefit increases will continue to confront the Kansas Legislature as more public employees retire, older retirees live longer, and costs of living and quality medical care continues to increase: Now, therefore,

*Be it resolved by the Silver Haired Legislature of the State of Kansas:* That we hereby commend the Kansas Legislature for providing the continued increase of KPERS funding for the present defined benefit plan and hereby request that the Kansas Legislature consider the funding of the present defined benefit plan toward an actuarially recommended level during the 2010 regular session.

**SILVER HAIRD LEGISLATURE RESOLUTION NO. 2607**

A RESOLUTION concerning the Grandparents as Caregivers Program.

WHEREAS, Many grandparents are willing to become caregivers for their grandchildren, but may be reluctant because of the cost of raising a child; and

WHEREAS, Kansas has 35,274 children living in households headed by grandparents and 17,873 grandparents reported that they are providing day-to-day care to nearly 30,000 of their grandchildren; and

WHEREAS, The Kansas Department of Social and Rehabilitation Services is currently assisting relative caregivers in transitioning from the Grandparents as Caregivers Program to funding provided by the Temporary Assistance for Families (TANF) program: Now, therefore,

*Be it resolved by the Silver Haired Legislature of the State of Kansas:* That the Kansas Department of Social and Rehabilitation Services is hereby urged to report annually to the Senate Committee on Ways and Means and the House Committee on Appropriations the status of the Grandparents as Caregivers Program; and

*Be it further resolved,* That such report shall include consideration of changes in

the law concerning how courts view grandparents with regard to custody; specifically including attention to and consideration of the laws of states, such as Kentucky, which allow a court to recognize a grandparent to have the same standing as a parent if the child has actually resided with such grandparent in a stable relationship; and

*Be it further resolved,* That, in addition, such report shall include a plan demonstrating how the Kansas Department of Social and Rehabilitation Services will train caseworkers regarding the Grandparents as Caregivers Program; and

*Be it further resolved:* That the Kansas Silver Haired Legislature requests the Kansas Department of Social and Rehabilitation and future legislatures to consider a return to funding for the program from the State General Fund.

# **FRIENDS OF SHL**

**WE WISH TO TAKE THIS OPPORTUNITY TO THANK THE MANY ENTITIES, AGENCIES AND INDIVIDUALS WHO, WITHOUT THEIR FINANCIAL ASSISTANCE, THE KANSAS SILVER HAired LEGISLATURE WOULD NOT BE ABLE TO PROVIDE HELP TO THE MANY SENIORS OF OUR GREAT STATE.**

## **COUNTY GOVERNMENTS WHICH HAVE BEEN MOST GENEROUS:**

**ANDERSON, COFFEE, GRAHAM, JEWELL, LINN, LOGAN, KINGMAN, MC PHERSON, MIAMI, NORTON, OSAGE, PAWNEE, PRATT, REPUBLIC, RILEY, ROOKS, SEWARD, STANTON, SUMNER AND THOMAS.**

## **ORGANIZATIONS WITH OUR DEEPEST GRATITUDE:**

**CLAY COUNTY TASK FORCE, CONWAY SPRINGS SENIOR CITIZENS, FREDONIA SENIOR CITIZENS, GALVA SENIOR CITIZENS, MARION COUNTY SENIOR CENTER, MC PHERSON SENIOR CENTER, MOUNDRIDGE SENIOR CITIZEN COMMITTEE, SANTA FE RETIRED EMPLOYEES CLUB, ST. FRANCIS SENIOR CENTER, SUMNER COUNTY BOARD OF SENIOR SERVICES AND WINDOM SENIOR CENTER.**

## **BUSINESSES WE TRULY APPRECIATE:**

**OSAWATOMIE 1<sup>ST</sup> OPTION BANK, METCALF BANK, AND HESSTON CITIZENS STATE BANK.**

## **AND THE INDIVIDUALS WHO HELP MAKE THE DIFFERENCE:**

**BILL PROCTOR, BETSY KELLY, VIMAL GOYLE, WILLIAM DEAN, JIM SNYDER, LEWIS ARMSTRONG, AND IRV HOFFMANN.**

**THANK YOU ALL!!!!**